

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREE SPEECH COALITION, INC. et al.,)	
)	Civil Action No. 2:09-4607
Plaintiffs,)	
)	Judge Michael M. Baylson
v.)	
)	DEFENDANT’S MOTION FOR ENTRY
THE HONORABLE SALLY Q. YATES ¹ ,)	OF JUDGMENT AND CONCLUSIONS
Acting Attorney General,)	OF LAW IN SUPPORT THEREOF
)	
Defendant.)	
)	

Defendant, by and through undersigned counsel, hereby moves the Court for entry of judgment in favor of Defendant on Plaintiffs’ as-applied and facial overbreadth claims under the First Amendment and for conclusions of law in support thereof in light of the June 8, 2016 opinion of the Third Circuit Court of Appeals, *Free Speech Coalition, Inc. v. Attorney General of United States of America*, 825 F.3d 149 (3rd Cir. 2016). This motion is based on the record adduced at the bench trial held in June 2012 and the Court’s findings of fact thereon, as set forth in its Memorandum Opinion of July 18, 2013, the entire record of this case, and a Memorandum of Law to be filed pursuant to a schedule to be determined by the Court.

Dated this 23rd day of January, 2017.

Respectfully submitted,

JOYCE R. BRANDA
Acting Assistant Attorney General
LOUIS D. LAPPEN
Acting United States Attorney
JOHN R. TYLER
Assistant Director, Federal Programs Branch

/s/ Kathryn L. Wyer
JAMES J. SCHWARTZ

¹ Pursuant to Fed. R. Civ. P. 25(d), Acting Attorney General Sally Q. Yates is substituted in her official capacity as defendant in this case.

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.1.2(8)(b), I hereby certify that the foregoing Motion has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that the foregoing document was served via ECF on counsel of record for plaintiffs in the above-captioned case.

Dated: January 23, 2017

/s/
Kathryn L. Wyer